UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 July 2008*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-4,6-25 and 27-31* is/are rejected.
7)☒ Claim(s) *5,15 and 26* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-31 are pending.

2.   A request for continued examination under 37 CFR 1.114, including the fee set
forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this
application is eligible for continued examination under 37 CFR 1.114, and the fee set
forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action
has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on
07/21/2008 has been entered.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 1, 8-13 and 28-31 are rejected under 35 U.S.C. 112, second paragraph,
as being indefinite for failing to particularly point out and distinctly claim the subject
matter which applicant regards as the invention.

5.   Claim 1 recites the limitation "said secure hash code table" in line 7. There is
insufficient antecedent basis for this limitation in the claim. It will be examined as the
previously recited "hash code table".

6.   Any claims not specifically addressed are rejected by virtue of their
dependencies.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claim 16 is rejected under 35 U.S.C. 102(a/e) as being anticipated by Balcha et

al. (US 6233589).

As per claim 16, Balcha et al. discloses an article of manufacture comprising a

computer storage media that implements code for securing, maintaining, monitoring and

controlling computer networks and clients located therein, comprising a client state code

(see column 3 lines 59-67 and column 5 lines 4-40 where the revised signature file is

the client state code).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 1, 8, 11-13, 17-19, 21, 23-25, 27, 28 and 30 are rejected under 35 U.S.C.

103(a) as being unpatentable over Miller et al. (US 5537540) in view of Balcha et al.

(US 6233589).

As per claims 1, 17-19 and 25, Miller et al. discloses a method and apparatus for

securing, maintaining, monitoring and controlling computer clients, comprising:

providing a hash code table of a client said hash code table being provided for storing a

plurality of files (see column 9 lines 55-57); providing a client state code of a client;

comparing said client state code to said hash code table (see column 9 lines 57-62

where the computed hash is the client state code), and generating an alert mechanism

when a deviation threshold is reached based on a deviation between said hash code

table values for said client and said client state code (see column 9 lines 62-67);

wherein said secure hash code table includes the hash codes for files on computers

that are to be secured (see column 9 lines 55-67 where the files are secured against

viruses).

Miller et al. fails to disclose the computers are on a network and transmitting

across a network from clients located in a network a client state code; providing at least

one server within the network assigned to recognize said client state code transmission,

wherein said server maintains a baseline for said client, and wherein said baseline

comprises said hash code table of a said client.

However, Balcha et al. discloses the computers are on a network and

transmitting across a network from clients located in a network a client state code (see

column 3 lines 59-67; column 4 lines 1-16 and column 5 lines 4-40 where the delta file

and/or revised file is the client state code); providing at least one server within the network assigned to recognize said client state code transmission, wherein said server maintains a baseline for said client, and wherein said baseline comprises said code table of a said client (see column 3 lines 21-49).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the hash code table of Miller et al. to be on the network of the Balcha et al. system.

Motivation to do so would have been to allow the files to be backed up on a server (see Balcha et al. column 5 lines 4-21).

As per claims 8, 11, 21 and 23, the Miller et al. and Balcha et al. system discloses reporting the results of the comparison and initiating a client status mechanism (see Miller et al. column 9 lines 62-67).

As per claims 12 and 24, the Miller et al. and Balcha et al. system discloses the step of initiating an Auto Restore component (see Miller et al. column 9 lines 66-67).

As per claim 13, the Miller et al. and Balcha et al. system discloses the step of providing a client state code further comprises generating a client state code (see Miller et al. column 9 lines 55-67 and Balcha et al. column 5 lines 4-40 where in order to provide a code it must at some point be generated).

As per claim 27, the Miller et al. and Balcha et al. system discloses transmitting a secure system state data file from a said client to a server, and constructing said hash code table from network client based on one or more complied client hash values, the method including grouping secure system state data files in client groups (see Miller et

al. column 9 line 55 through column 10 line 27 where the hash code table is based off of multiple files that are grouped together).

As per claim 28, the Miller et al. and Balcha et al. system discloses wherein said clients within said network are identical clients and wherein said client state codes of the said identical clients are identical (see Miller et al. column 9 lines 55-67 and Balcha et al. column 5 lines 4-40).

As per claim 30, the Miller et al. and Balcha et al. system discloses initiating a client process from a computer and wherein providing a hash code table of a client comprises providing a hash code table for the computer from which the client process was initiated (see Miller et al. column 9 lines 55-67).

11.   Claims 2-4, 6, 7, 14, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Miller et al. and Balcha et al. system as applied to claims 1 and 19 above, and further in view of Angelo (US 5944821).

As per claims 2, 3, 15 and 20, the Miller et al. and Balcha et al. system fails to disclose the hash table is a secure hash table.

However, Angelo teaches the use of a secure hash table (see column 4 lines 27-40).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the hash table of the modified Liu, Nachenberg and Small system to be a secure hash table.

Motivation to do so would have been to provide and integrity assessment code.

As per claims 4 and 14, the Miller et al., Balcha et al. and Angelo system discloses using at least on compiled client hash value (see Miller et al. column 9 line 55 through column 10 line 27 where the hash code table is based off of multiple files that are grouped together).

As per claims 6 and 7, the Miller et al., Balcha et al. and Angelo system discloses the hash code table is generated based on a baseline of an exemplary system (see Balcha et al. column 5 lines 4-40).

12.   Claims 4, 5, 14, 15 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Liu, Nachenberg and Small system (alone or in combination with Angelo) as applied to claims 3 and 25 above, in view of Ward (US 6526411).

As per claims 4, 5, 14, 15 and 26-27, the modified Liu, Nachenberg and Small system fails to disclose grouping (i.e. compiled) the secure system data file and extracting the modal hash value.

However, Ward teaches grouping files and extracting the modal hash value (see column 3 lines 31-42).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Ward's teaching to group the files of the modified Liu, Nachenberg and Small system and to extract the modal hash value.

Motivation to do so would have been to adapt to the most common configuration among clients (see Ward column 1 lines 49-62).

13.   Claims 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

the Miller et al. and Balcha et al. system as applied to claims 1 and 19 above, and

further in view of Touboul (US 6092194).

        As per claims 9 and 22, the Miller et al. and Balcha et al. system fails to explicitly

disclose logging the results of the comparison.

        However, Touboul teaches logging results of a comparison (see claim 62).

        At the time of the invention it would have been obvious to a person of ordinary

skill in the art to log the comparison results of the Miller et al. and Balcha et al. system.

        Motivation to do so would have been to allow the results to be subsequently

reviewed (see Touboul column 7 lines 2-6).

14.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the

Miller et al. and Balcha et al. system as applied to claim 1 above, and further in view of

Adya et al. (US 20020188605).

        As per claim 10, the Miller et al. and Balcha et al. system fails to disclose

securing a client in lock down mode.

        However, Adya et al. teach such a limitation (see paragraphs 144-146).

        Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have the Miller et al. and Balcha et al. system

include the step of securing a system in lock down mode.

        Motivation to do so would have been securing a system in lock down mode

because it provides for database security and file authentication.

15.   Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over the

Miller et al. and Balcha et al. system as applied to claim 1 above, and further in view of

Liu (US 7096493).

As per claim 29, the Miller et al. and Balcha et al. system fails to explicitly

disclose the hash code table includes file names and hash codes that are concatenated.

However Liu teaches a hash code table that includes file name concatenated

with hash codes (see Fig. 2).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to concatenate file name and hash codes in the hash code table of the

Miller et al. and Balcha et al. system.

Motivation to do so would have been to be able to display the information in an

easily readable manner (see Liu Fig. 2 and column 5 lines 46-55).

16.   Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over the

Miller et al. and Balcha et al. system as applied to claim 1 above, and further in view of

Menezes et al. (Handbook of Applied Cryptography).

As per claim 31, the Miller et al. and Balcha et al. system fails to disclose the

client state code is transmitted along with authentication.

However, Menezes teaches transmitting messages with authentication

information (see pages 22 and 23).

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to digitally sign the client state code of the Miller et al. and Balcha et al.

system.

Motivation to do so would have been to bind its identity to the information (see

Menezes page 22).

Allowable Subject Matter

17.   Claims 5, 15 and 26 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

18.   The following is a statement of reasons for the indication of allowable subject

matter: The prior art fails to teach gathering/grouping values/files and extracting the

modal value(s) to provide the hash code table.

Response to Arguments

19.   Applicant's arguments, see pages 18-20, filed 07/21/2008, with respect to claims

5 and 26 have been fully considered and are persuasive. The rejection of claims 5 and

26 has been withdrawn.

20.   Applicant's arguments with respect to claims 1-4, 6-25, and 27-31 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MICHAEL PYZOCHA whose telephone number is

(571)272-3875. The examiner can normally be reached on Monday-Thursday, 7:00am -

4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Michael Pyzocha/
Examiner, Art Unit 2137